

Order

Entered: January 13, 2004

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2003-57

Amendment of Rule 3.217
of the Michigan Court Rules

AMENDMENT TO ORDER

On order of the Court, Rule 3.217 is amended, effective immediately, to correct a clerical error in the order of December 23, 2003. That order, which deleted former subrule (B) and redesignated former subrules (C) through (E), failed to correct the cross-references in former subrule (D). That provision, which is now subrule (C) is therefore amended to read as follows:

(C) Advice Regarding Right to an Attorney

- (1) The summons issued under MCL 722.714 must include a form advising the alleged father of the right to an attorney as described in subrule (C)(2), and the procedure for requesting the appointment of an attorney. The form must be served with the summons and the complaint, and the proof of service must so indicate.
- (2) If the alleged father appears in court following the issuance of a summons under MCL 722.714, the court must personally advise him that he is entitled to the assistance of an attorney, and that the court will appoint an attorney at public expense, at his request, if he is financially unable to retain an attorney of his choice.
- (3) If the alleged father indicates that he wants to proceed without an attorney, the record must affirmatively show that he was given the advice required by subrule (C)(2) and that he waived the right to counsel.
- (4) If the alleged father does not appear in court following the issuance of a summons under MCL 722.714, subrule (C)(3) does not apply.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 13, 200*4*

Corbin R. Davis

Clerk